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10/580,006	05/19/2006	Lars Kristensen	IPB.026	7629

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MEREK, BLACKMON & VOORHEES, LLC  
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ALEXANDRIA, VA 22314

EXAMINER
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FONSECA, JESSIE T

ART UNIT	PAPER NUMBER
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3633

MAIL DATE	DELIVERY MODE
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08/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/580,006

**Applicant(s)**

KRISTENSEN, LARS

**Examiner**

JESSIE FONSECA

**Art Unit**

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 13, 15, 17-20, 22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 14, 16, 21 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The annotated drawings submitted 12/14/07 cancelling fig. 8 is acknowledged.

### ***Specification***

The disclosure is objected to because of the following informalities:

Lines 2-4 of page 3: The language used makes it difficult to ascertain what is trying to be conveyed to the reader.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to because it's unclear as where the drainage groove formed in the bottom sash member is positioned, it is requested applicant denote the drainage groove of the sash frame in fig. 5.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flashing; bottom member of the window frame having a drainage groove; a sealing element sandwiched between the sealing surfaces, the exits placed at both ends of the lateral frame members where a flashing member communicates with the exits, and the drainage grooves having lower end portions with a width which is reduced as the position for measuring the width approaches the bottom member of the window frame, and the top

surface of the flange of the sash frame being inwardly inclined down must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 14 is are objected to because of the following informalities:

Claim 14: It appears the bottom surface recited in line 2 of the claim should be directed to the --the sash frame flange-- rather than the "window frame flange" as the

sealing element is sandwiched between the flanges of both the sash frame and window frame (fig. 3). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15, 17-18, 22, and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 15: It's unclear how the how the flange top surface of the sash frame forming the second drainage groove is flat (line 6, pg. 7), as independent claim 10 recites the groove is concave.

With regards to claim 17: The limitation "the drainage groove" in lines 2-3 of the claim lacks proper antecedent basis, it's unclear as to which drainage groove is being referenced.

With regards to claim 22: It's unclear how the how the flange top surface of the sash frame forming the second drainage groove is flat (line 10, pg. 10), as independent claim 19 recites the groove is concave.

With regards to claim 24: The limitation "the drainage groove" in line 3 of the claim lacks proper antecedent basis, it's unclear as to which drainage groove is being referenced.

***Double Patenting***

Claims 19-25 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 10 and 13-18. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

Claims 10, 13, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leue et al. (US 3,248,832) in view of Ripley (US 1,950,519).

With regards to claim 10 and 19: Leue et al. discloses window frame (11) comprising a window having an inner surface and a sash frame (10), wherein each of the window frame (11) and sash frame (10) include a top and bottom frame member (transverse parts) and lateral frame members (longitudinal parts) (col. 1, lines 33- 39). Leue et al. further discloses a first groove (14) capable of drainage formed in the window frame (11), and a second groove (16) capable of drainage formed in the sash frame (10), wherein the window frame (11) has an inner surface adjacent to the sash frame (10) has an outer surface adjacent to the window frame (11), wherein the first

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groove (14) has concave surface extending along the inner surface of the window frame (11) and includes a flange (A) protruding from the inner surface of the window frame (11), and wherein the second groove (16) has a concave surface extending along the outer surface of the sash frame (10), and include a flange (B) protruding from the outer surface of the sash frame (10). Note, the grooves Leue et al. are considered concave as they form hollowed out portions, the drainage grooves of applicant's are considered no more concave than that of Leue et al. The grooves of Leue et al. would be expected to perform equally well to that of applicants. Note the window of Leue et al. is capable of being installed on a roof.

Leue et al. further discloses the window having a covering in the form of a elastic packing strip packing strip composed of foam rubber with plastic cover extending from the window frame (col. 1, line 39-46), but fails to disclose the window comprising a flashing member.

However, Ripley discloses it is known in the art to applying flashing (25) to a window structure (col. 3, lines 2-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the window of Leue et al. to include flashing as taught by Ripley in order to provide window structure with increased resistance to water intrusion.

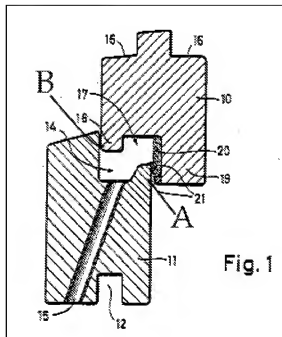


Fig. 1: Leue et al. (US 3,248,832)

With regards to claim 13 and 20: Leue et al. further disclose the first groove (14) formed in the inner surface of the window frame (11) constitutes a complex channel for the window frame (11), while the second groove (16) for in the outer surface of the sash frame (10) constitutes a complex channel for the sash frame (10). Leue et al. further discloses the cross section of the window frame (11) and sash frame (10) are the same throughout the transverse (bottom and top) and longitudinal (lateral) parts of the respective frames (col. 1, lines 33-39).

**Allowable Subject Matter**



Claims 14, 16, 21, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The claimed roof window, particularly a drainage groove of the window frame located correspondingly underneath the drainage groove of the sash frame, with the first sealing surface facing the second sealing surface, so that water overflowing from the sash frame drainage groove goes into the window frame drainage groove; or a horizontal drainage groove on the top surface of the bottom sash frame communicating with exits placed on both ends of the later frame members of the sash frame is not taught or suggested in the prior art of record.

### ***Response to Arguments***

The previous objections of claims 1 and 14-15 have been withdrawn in view of the amendment filed 12/14/07

The rejection of claims 10 and 13-17 under 35 U.S.C. 112, second paragraph has been withdrawn in view of the amendment filed 12/14/07.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following prior art all disclose windows having grooves or drainage systems:

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Powell (US 4,776,141); Bunka (US 5,094,040); Endo et al. (US 5,687,518); Dyrby et al. (US 6,578,326); and Thomsen et al. (US 6,647,683).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSIE FONSECA whose telephone number is (571)272-7195. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. F./  
Examiner, Art Unit 3633

/Robert J Canfield/

Supervisory Patent Examiner, Art Unit 3635